IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5735 OF 2005

Mohamed Zakir Hussein Applicant

versus

State of Maharashtra & another Respondents

Mr.Rishi Bhuta for applicant.

Mr.R.Y.Mirza, APP for respondents.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 13th December 2005

PC :

1. Heard Shri Bhuta for applicant and Shri Mirza for respondent State. Respondents 2 to 8 are original accused.

2. Upon perusal of the application and the order releasing the respondents on bail in the event of their arrest in connection with the subject CR, I am of the view that no case is made out for cancellation of the anticipatory bail. Moreso, when the complainant has made a belated complaint. However, the order enlarging the

accused on bail in the event of their arrest can not operate indefinitely, as has been pointed out by the Supreme Court in the decision reported in AIR-2005-SC-498. The protection can never be blanket, is the view of the Hon'ble Supreme Court. Therefore, the order passed by learned Additional Sessions Judge must operate only till charge sheet is filed. It is clarified that the said order should operate till the charge sheet is filed and thereafter the remedy of the accused is to approach the Regular Court. With this clarification the application is dismissed.

(S.C.DHARMADHIKARI, J.)